



State of Rhode Island and Providence Plantations
Department of State | Office of the Secretary of State
Nellie M. Gorbea, Secretary of State

Rules and Regulations Filing Form

1. Agency Name and Address

Business Regulation, Department of Commercial Licensing/Racing and Athletics Division
 233 Richmond Street, Providence, RI 02903

2. Title of Rule

Commercial Licensing Regulation 11 - Real Estate Brokers and Salespersons

3. Statutory Source of Authority

R.I. Gen. Laws §§ 5-20.5, 42-14-7

4. Concise Explanatory Statement - §42-35-2.3

The purpose of this regulation is to promote the general welfare of the citizens of Rhode Island by implementation of R.I. Gen. Laws § 5-20.5-1 et seq. so that the provisions thereunder may be best effectuated and the public interest be most effectively served.

5. Type of Filing

Emergency Rules

A1. Emergency 120-day initial - §42-35-3(b)

- ☐ Adoption
☒ Amendment of ERLID: 3887
☐ Repeal of ERLID:

A2. Emergency 90-day renewal - §42-35-3(b)

- ☐ Adoption
☐ Amendment

Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-3(b)(2):

STATEMENT OF IMMINENT PERIL FOR EMERGENCY AMENDMENT OF COMMERCIAL LICENSING REGULATION 11 REAL ESTATE BROKERS AND SALESPERSONS The General Assembly made significant changes to the law defining relationships in real estate transactions, R.I. Gen. Laws § 5-20.6-1, et seq. It was amended on July 6, 2007 and becomes effective on May 1, 2008. To ensure that all holders of a real estate brokers and salespersons licenses (Licensees) understand the changes to this law and their responsibilities and duties to the public that they serve, the Department of Business Regulation (Department) is requiring all Licensees to successfully complete a course of at least three (3) clock hours, approved by the Real Estate Commission, on the recently revised law. As such, the Department issues the following emergency amendment to Commercial Licensing Regulation 11 Real Estate Brokers and Salespersons: RULE 34 MANDATORY COURSE ON REVISED R.I. GEN. LAWS § 5-20.6 REGARDING AGENCY RELATIONSHIPS (A) No later than April 30, 2008, every Licensee shall successfully complete a mandatory course of at least three (3) clock hours, approved by the Real Estate Commission, on the recently revised law defining relationships in real estate transactions, R.I. Gen. Laws § 5-20.6-1, et seq., as amended on July 6, 2007 and effective May 1, 2008. (B) Only those courses approved by the Real Estate Commission in accordance with R.I. Gen. Laws § 5-20.5-12 will satisfy compliance with this section. (C) Compliance with this section will be a condition precedent to the renewal of all Licenses expiring April 30, 2008, including those initial Licenses approved within one hundred eighty (180) days of the expiration date of the initial License. (D) To satisfy the requirements of this Rule, the Licensee shall make a positive affirmation upon renewal, either in writing or electronically, certifying under penalty of perjury to the Real Estate Section of the Department, that the Licensee has attended and successfully completed this mandatory course. (E) Applicants for an initial Salesperson's License must submit satisfactory evidence of completion of an approved course of at least three (3) clock hours regarding R.I. Gen. Laws § 5-20.6-1, et seq., on Agency Relationships in Residential Real Estate Transactions, amended on July 6, 2007 and effective May 1, 2008, as part of the minimum of forty-five (45) classroom hours required for licensure. (F) A Licensee's misrepresentation or false certification as to course completion will subject the Licensee to disciplinary action in accordance with R.I. Gen. Laws § 5-20.5-14, R.I. Gen. Laws § 42-35-1, et seq., Central Management Regulation 2 Rules of Procedure for Administrative Hearings, and this Regulation. Pursuant to R.I. Gen. Laws § 42-35-3(b), an agency may adopt an emergency rule without prior notice or hearing if it finds adoption of a rule upon less than thirty (30) days notice necessary because of imminent peril to the public health, safety, or welfare. The rule so adopted may be effective for a period not exceeding one hundred and twenty (120) days. Id. Furthermore, R. I. Gen. Laws § 42-35-4(b)(2) provides that, subject to constitutional or statutory provisions, an emergency rule may become effective immediately upon filing with the Secretary of State if the agency finds that such an effective date is necessary because of imminent peril to the public health, safety, or welfare. The Department of Business Regulation has determined that conditions necessitate the amendment and adoption of this Rule on an emergency basis, to be effective upon filing with the Secretary of State. The Department finds that there is imminent peril to the public welfare in that the provisions set forth in this Rule are necessary to ensure that real estate licensees conduct themselves in accordance with the law defining relationships in real estate transactions, R.I. Gen. Laws § 5-20.6-1, et seq., amended July 6, 2007, with an effective date of May 1, 2008.

Final Rules

☐ B1. Amendment

☐ B2. Adoption

☐ B3. Repeal

☐ C. Technical Revision

If B1 or C, please indicate new, amended, deleted, or revised sections:

6. Notice and Hearing Information

Date of Public Notice - §42-35-3(a)(1):Notice Not Required
Date of Public Hearing - §42-35-3(a)(2):Hearing Not Required
End of Comment Period:

7. Agency Additional Information - Web Page

http://

8. Certification

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,

Name

Title

Notary Public

Subscribed and sworn before me

this_____ day of _____, _____

ERLID#: 5056